

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

GREGG B. COLTON, on behalf of himself
and a class of similarly situated persons,

Plaintiff,

v.

CONTINENTAL RESOURCES, INC.;
ENABLE GATHERING & PROCESSING,
LLC; and
DEWBLAINE ENERGY, LLC,

Defendants.

Case No. CIV-22-208-RAW-JAR

ORDER

Before the court is the Findings and Recommendation (hereinafter “F&R”) entered by Magistrate Judge Robertson [Docket No. 94], recommending that the Plaintiff’s motion for this court’s order finding that it does not have subject matter jurisdiction in this case [Docket No. 80]¹ be denied and that Defendant Continental Resources, Inc.’s motion to stay [Docket No. 73]² be granted. Plaintiff filed an objection to the F&R, re-urging his argument that this court has no subject matter jurisdiction [Docket No. 95], and each Defendant filed a response to Plaintiff’s objection, arguing that the F&R is correct and should be adopted by this court [Docket Nos. 96, 97, and 98]. The standard of review is *de novo*. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3).

¹ Defendants’ responses to Plaintiff’s motion are filed at Docket Nos. 90, 91, and 92]; Plaintiff’s reply is filed at Docket No. 93.

² Plaintiff’s response to this motion is at Docket No. 82.

Magistrate Judge Robertson and the Defendants are correct. It has long been held that when, as in this case, interest is the plaintiff's "principal demand," that interest is included in assessing the amount in controversy for diversity jurisdiction. *Brown v. Webster*, 156 U.S. 328 (1895). As stated by Magistrate Judge Robertson in the F&R, the case relied upon by Plaintiff in his motion and now re-urged in his objection to the F&R, *Whisenant v. Sheridan Prod. Co., LLC* 627 Fed. App'x 706 (10th Cir. 2015) is in line with *Brown's* holding. In *Whisenant*, unlike here, the principal demand was not for interest, but for the payment of royalties. For the reasons stated in the F&R, Plaintiff's objection is overruled. Plaintiff did not file any specific objection to the ruling on the motion to stay.

The F&R is well-supported by the evidence and the prevailing legal authority. It is hereby affirmed and adopted as this court's Findings and Order. Plaintiff's motion for an order finding that this court does not have subject matter jurisdiction in this case [Docket No. 80] is hereby DENIED. Defendant Continental Resources, Inc.'s motion to stay this case [Docket No. 73] is hereby GRANTED. This action is hereby STAYED pending the conclusion of *Blevins, Jr., et al. v. Continental Resources, Inc.*, Case No. 22-cv-00160-RAW-DES.

IT IS SO ORDERED this 26th day of March, 2024.



THE HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA